

AUSLEY McMULLEN

ATTORNEYS AND COUNSELORS AT LAW

123 SOUTH CALHOUN STREET
P.O. BOX 391 (ZIP 32302)
TALLAHASSEE, FLORIDA 32301
(850) 224-9115 FAX (850) 222-7560

July 23, 2021

VIA: ELECTRONIC FILING

Mr. Adam J. Teitzman
Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

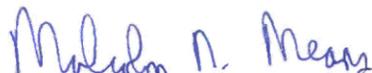
Re: Docket 20210034-EI, Petition for Rate Increase by Tampa Electric Company

Dear Mr. Teitzman:

Attached for filing in the above docket is Tampa Electric Company's Amended Motion for a Temporary Protective Order regarding its response to Office of Public Counsel's Second Set of Interrogatories (Nos. 47-60) and Second Request for Production of Documents (Nos. 19-33), which was originally filed on June 7, 2021. *See* Document No. 04570-2021. This Motion is being amended to remove a reference to a document entitled "(BS 96) BV study vs TECO Future Solar.xlsx" because Tampa Electric has determined that this document is not proprietary confidential business information.

Thank you for your assistance in connection with this matter.

Sincerely,


Malcolm N. Means

MNM/ne
Attachment

cc: All parties of record (w/attachment)

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for Rate Increase)
by Tampa Electric Company)
_____)

DOCKET NO. 20210034-EI
FILED: July 23, 2021

**TAMPA ELECTRIC COMPANY’S AMENDED MOTION
FOR A TEMPORARY PROTECTIVE ORDER**

Tampa Electric Company (“Tampa Electric” or “the company”), pursuant to Rule 25-22.006(6)(c), Florida Administrative Code, hereby requests that the Commission issue a temporary protective order exempting from Section 119.07(1), Florida Statutes, certain information specified herein as requested by the Office of Public Counsel (“OPC”) through discovery, and for the protection of that information against public disclosure pending OPC’s review of it. In support of its Motion, the company says:

1. Tampa Electric Company served its response to the Office of Public Counsel’s Second Set of Interrogatories (Nos. 47-60) and Second Request for Production of Documents (Nos. 19-33) (“OPC Discovery Requests”) by posting its answers, responses, and responsive documents (collectively “Response”) on a virtual Share Point site that is accessible by OPC on June 7, 2021. The company believes that all or portions of its Response specified on Exhibit “A” constitute “proprietary confidential business information,” and has designated it as such by (1) highlighting it in yellow and (2) placing it in a segregated area of the Share Point site for confidential information. Tampa Electric considers the highlighted information in its Response to be “proprietary confidential business information” that is entitled to protection against public disclosure pursuant to Section 366.093, Florida Statutes, because it reflects information in one or more of these categories:

(d) [information] disclosure of which would impair the efforts of the public utility or its affiliates to contract for goods or services on favorable terms.

(e) information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information. (Section 366.093(3)(d) and (e), Florida Statutes)

2. Public disclosure of the information in question would adversely affect the economic interests of Tampa Electric and its customers.

3. Rule 25-22.006, Florida Administrative Code, provides for protection of this type of information when a utility allows OPC to inspect or take possession of such information in the course of discovery. Subsection (6)(c) of this rule states:

(c) When a utility or other person agrees to allow Public Counsel to inspect or take possession of utility information for the purpose of determining what information is to be used in a proceeding before the Commission, the utility may request a temporary protective order exempting the information from Section 119.07(1), F.S. If the information is to be used in a proceeding before the Commission, then the utility must file a specific request for a protective order under paragraph (a) above. If the information is not to be used in a proceeding before the Commission, then Public Counsel shall return the information to the utility in accordance with the record retention requirements of the Department of State.

4. Tampa Electric requests a temporary protective order to allow OPC access to the confidential information posted on the Share Point site as part of its Response while protecting the economic interests of Tampa Electric and its customers from the harm that would result from public disclosure of the above-referenced confidential information. Tampa Electric will work cooperatively with OPC to identify confidential information to be used at the final hearing in this docket and to request confidential classification as specified in the rule. To the extent that pre-filing of confidential documents is required, Tampa Electric and the OPC have further committed to work out a process to maintain both confidentiality of the information and preservation of the

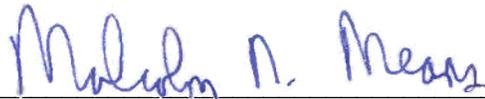
litigation rights of the respective parties consistent with Commission precedent. Furthermore, the parties have both agreed that the efficiency underlying this arrangement is not expected to require the closure of public access to hearings and that they will vigorously preserve confidentiality in accordance with applicable law while taking all reasonable steps to accomplish necessary litigation in a manner that does not require closure of hearings.

5. Tampa Electric maintains the information in question in a confidential form and has not disclosed it publicly.

WHEREFORE, Tampa Electric requests that the Commission issue a Temporary Protective Order allowing it to provide OPC the confidential information described above while maintaining the confidential nature of that information.

DATED this 23rd day of July, 2021.

Respectfully submitted,



JAMES D. BEASLEY
J. JEFFRY WAHLEN
MALCOLM N. MEANS
jbeasley@ausley.com
jwahlen@ausley.com
mmeans@ausley.com
Ausley McMullen
Post Office Box 391
Tallahassee, Florida 32302
(850) 224-9115

ATTORNEYS FOR TAMPA ELECTRIC COMPANY

Exhibit A

OPC's Second Request for Production of Documents				
Request	Witness	Electronic File Names	Description	Bates Stamped Pages
19. Provide a calculation of each capitalization component and cost by month and on a 13-month average and standard credit metrics for each calendar year in live Excel spreadsheet with all formulas intact for the test year, 2023 and 2024 utilizing total Company and FPSC jurisdictional forecasts provided in response to first and second items on list. Exclude all affiliate obligations from ratemaking FPSC jurisdictional capital structure analysis.	Lewis	(BS 5) POD 19 – 2023 and 2024 Capital Structure and Metrics_CONF.xlsx	Budget/Strat Plan	5
33. Provide any cost benefit analysis regarding a BOT and/or a PPA vs. Self-Build transaction structure for the Future Solar tranches.	Aponete	(BS 91-95) POD_33(Confidential)_bates.pdf	Black & Veatch study proposal	91-95

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Motion for Temporary Protective Order, filed on behalf of Tampa Electric Company, has been served by electronic mail on this 23rd day of July, 2021 to the following:

Charles Murphy
Theresa Tan
Melinda Marzicol
Office of the General Counsel
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850
cmurphy@psc.state.fl.us
ltan@psc.state.fl.us
mmarzico@psc.state.fl.us

Richard Gentry
Charles Rehwinkel
Anastacia Pirrello
Stephanie Morse
Mary Wessling
Office of Public Counsel
c/o The Florida Legislature
111 West Madison Street, Room 812
Tallahassee, FL 32399-1400
gentry.richard@leg.state.fl.us
rehwinkel.charles@leg.state.fl.us
pirrello.anastacia@leg.state.fl.us
morse.stephanie@leg.state.fl.us
wessling.mary@leg.state.fl.us

Stephanie U. Eaton
Spilman Thomas & Battle, PLLC
110 Oakwood Drive, Suite 500
Winston-Salem, NC 27103
seaton@spilmanlaw.com

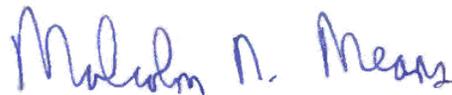
Barry A. Naum
Spilman Thomas & Battle, PLLC
1100 Bent Creek Boulevard, Suite 101
Mechanicsburg, PA 17050
bnaum@spilmanlaw.com

Florida Industrial Power Users Group
Jon Moyle
Karen Putnal
c/o Moyle Law Firm
118 N. Gadsden Street
Tallahassee, FL 32301
jmoyle@moylelaw.com
kputnal@moylelaw.com
mqualls@moylelaw.com

Federal Executive Agencies
Thomas A. Jernigan
Holly L. Buchanan, Maj, USAF
Scott L. Kirk, Maj, USAF
Arnold Braxton, TSgt, USAF
Ebony M. Payton
139 Barnes Drive, Suite 1
Tyndall Air Force Base, Florida 32403
thomas.jernigan.3@us.af.mil
holly.buchanan.1@us.af.mil
scott.kirk.2@us.af.mil
arnold.braxton@us.af.mil
ebony.payton.ctr@us.af.mil

Mr. Robert Scheffel Wright
John LaVia, III
Gardner, Bist, Wiener, Wadsworth, Bowden,
Bush, Dee, LaVia & Wright, P.A.
1300 Thomaswood Drive
Tallahassee, FL 32308
shef@gbwlegal.com
jlavia@gbwlegal.com

WCF Hospital Utility Alliance
Mark F. Sundback
William M. Rappolt
Andrew P. Mina
Sheppard Mullin Richter & Hampton LLP
2099 Pennsylvania Ave., N.W., Suite 100
Washington, D.C. 20006-6801
msundback@sheppardmullin.com
wrappolt@sheppardmullin.com
amina@sheppardmullin.com

A handwritten signature in blue ink that reads "Malcolm N. Means". The signature is written in a cursive style with a large initial "M".

ATTORNEY